

## **REMARKS**

Claims 1 through 116 are pending in the application. Of these, claims 31 through 54, 70 through 85 and 96 through 116 are withdrawn from consideration. Applicants note with appreciation the fact that the Office Action (Action) states that claims 18 through 30, 55 through 69 and 86 through 95 are allowed. Applicants also note with appreciation the fact that the Action states that claims 9 through 17 would be allowable if rewritten in independent form. However, for at least the reasons set forth below, Applicants respectfully submit that claims 1 through 8 are also allowable.

The Action objects to the abstract of the disclosure because it has more than 150 words. Applicants respectfully submit that the abstract has been amended to reduce the number of words below the 150-word limit.

Claims 1 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,524,269 to McNamara.

Claim 1 recites a multiple-component tampon applicator formed from at least three separate components selected from the group consisting of a barrel, a finger grip, a plunger, and an insertion tip comprising petals. The at least three separate components are formed independently from one another, prior to forming the applicator.

McNamara is directed to a lubricated tampon applicator having a sanitary wrapper. The applicator comprises a tubular body having a lubrication cell. The cell is

a cage having a scored inner membrane and a leading surface of discrete petals. The cage is covered by an elastic membrane sealed against the inner membrane to contain the lubricant.

Applicants respectfully submit that McNamara fails to disclose or suggest a multiple-component tampon applicator with at least three separate components selected from the group consisting of a barrel, a fingerrip, a plunger, and an insertion tip comprising petals, as recited in claim 1. The Action characterizes McNamara as teaching a multi-component tampon made of three separately formed components, namely insertion tip 74, plunger 58, and barrel 54 with a forward end and a rearward end, with the barrel comprising eight petals 40 on the forward end (citing Fig. 4, col. 6, lines 16-20). However, Applicants respectfully disagree with the Action's characterization of McNamara. Notably, nowhere in McNamara is insertion tip 74 noted as having petals, contrary to the claimed invention. Fig. 4, and col. 6, lines 16-20, as relied upon by the Action, disclose a tampon applicator with a lubrication cell 30 with outer wall 34 having eight prestressed failure grooves 40, not petals. In fact, the only disclosure of petals in McNamara is specific to petals 78 that are joined to plastic frame 70 (see Figs. 5-7, col. 7, line 6 - col. 8, line 17). Clearly, McNamara distinguishes petals 78 from prestressed failure grooves 40. Grooves 40 are not petals, contrary to the Actions contention.

As such, it is clear that McNamara fails to disclose or suggest a multiple-component tampon applicator formed from at least three separate components selected

from the group consisting of a barrel, a fingergrip, a plunger, and an insertion tip comprising petals, where the at least three separate components are formed independently from one another, prior to forming the applicator, as recited in claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the §102(e) rejection of claim 1, as well as claim 7, which depends from claim 1.

Claims 2 through 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McNamara in view of U.S. Patent No. 6,056,714 to McNelis et al. (McNelis).

Claims 2 through 6 depend directly from claim 1, which is set forth above. As noted above, McNamara fails to disclose or suggest a multiple-component tampon applicator, as recited in claim 1. Therefore, it follows that dependent claims 2 through 6 are also patentably distinguishable over McNamara.

McNelis is relates to a supporting rim structure of an open insertion end tampon applicator that provides for an improved method for forming a rounded insertion end of a tampon pledget assembled therein. McNelis is relied on by the Action for its teaching of a tampon applicator with a plunger and a barrel that could either be made of paper, cardboard or plastic.

Clearly, McNelis fails to cure any of the deficiencies noted above with McNamara with respect to claim 1. Therefore, the cited references taken alone or in combination

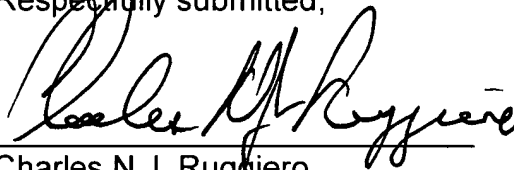
fail to disclose or suggest the multiple-component tampon applicator recited in claim 1. As such, it follows that claims 2 through 6 are also patentably distinct from the cited references, taken alone or in combination.

Reconsideration and withdrawal of the §103(a) rejection of claims 2 through 6 is respectfully requested.

Overall, Applicants respectfully submit that all of the claims of the present application are patentably distinguishable over the cited art and, as such, passage of the application to allowance is earnestly requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

Charles N.J. Ruggiero

Attorney for Applicants

Reg. No. 28,468

Ohlandt, Greeley, Ruggiero & Perle, LLP

One Landmark Square, 10<sup>th</sup> Floor

Stamford, CT 06901-2682

Tel. (203)327-4500

Fax. (203)327-6401